UNITED
NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/SR.108
4 May 1992

Original: ENGLISH

COMMITTEE AGAINST TORTURE

Eighth session

SUMMARY RECORD OF THE 108th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 29 April 1992, at 3 p.m.

Chairman: Mr. VOYAME

CONTENTS

Consideration of reports submitted by States parties under article 19 of the Convention

Initial report of Luxembourg (continued)

Organizational and other matters (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.92-12307/4452B

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 7)

Initial report of Luxembourg (continued) (CAT/C/5/Add.29)

1. At the invitation of the Chairman, Mr. Duhr, Miss Konsbruck and Mr. Schockweiler (Luxembourg) took seats at the Committee table.

2. Mr. DUHR (Luxembourg), replying to questions raised in connection with his country's initial report, referred first of all to the relationship between domestic legislation and the obligations arising under international treaties. In fact, articles 1, 8 and 14 of the Convention against Torture could be applied directly by domestic courts; in all cases a thoroughgoing process of verification was carried out to ensure compatibility with treaty obligations, but in the event of conflict the provisions of the Convention would prevail.

3. Paragraph 5 of his country's report gave some examples of the case-law that had developed in connection with the Convention. It had unfortunately not been possible to gather together all the relevant information on that topic prior to submission of the report, and further details regarding judicial decisions would be included in the next report.

4. The question had been raised whether the police were aware of the fact that the Convention had been ratified by Luxembourg. All legislative enactments were duly made public in the official gazette, and law enforcement agencies were expected to familiarize themselves with their content, although there was no specific requirement to do so.

5. A plaintiff could invoke the terms of the Convention in a domestic court, and it was up to the Council of State to determine whether existing legislation was compatible with both the Constitution and the Convention. There was no constitutional court as such, but every effort was made before signing an international treaty to determine whether problems would arise with its application in the courts.

6. Turning to the issues raised by specific articles of the Convention, he said that neither the Luxembourg Constitution nor the Penal Code provides a specific definition of torture on the lines of article 1 of the Convention. Luxembourg law did not differentiate between torture and ill-treatment, and there was evidently scope for a more systematic interpretation which would distinguish between ill-treatment and physical or mental torture. It was hoped that more precise texts on that question would be available in the near future.

7. No problem arose in connection with article 3, which applied without derogation in the courts.

8. With regard to article 4, he said that the references in article 438 of the Penal Code to "hard labour" derived basically from the Code Napoléon, and as such could be regarded as a leftover from earlier times. It should also be pointed out that the death penalty had been abolished, and that maximum terms of sentence could not be increased ex post facto.

9. Article 5 established the principle of territoriality in criminal law, but in Luxembourg some exceptions to that principle were accepted: for example, if a citizen of Luxembourg committed an offence in a territory other than Luxembourg itself, he or she might be amenable to the jurisdiction of the State in which the offence had been committed. Provision was also made for the apprehension in another territory of a person who had committed an offence against Luxembourg law. It was unfortunate that no arrangements had been established for cases in which a Luxembourg citizen sought by the authorities of another State for an offence relating to torture might face penalties more severe than those provided under the law of Luxembourg itself.

10. Mr. SCHOCKWEILER (Luxembourg) said that new provisions on detention in custody had been introduced in 1989: they established that such custody should not be of more than 24 hours' duration. The State Prosecutor was entitled to require fingerprints to be taken, or a search of the person for "dangerous objects" if that were deemed necessary, but the defendant was equally entitled to request an independent examination by a doctor of his or her choice if allegations of ill-treatment were made.

11. Mr. DUHR (Luxembourg) said that the criteria for pre-trial detention were based on the likelihood of an attempt to flee custody; if the suspect was considered likely to commit further offences, a warrant for detention on the grounds of possible default could be issued. However, the pre-trial detention must not be disproportionate to the likely penalty for the alleged offence.

12. Regarding the question of detention in general, he said that there was one major prison in Luxembourg, in which men and women were held in separate quarters. Minors were not kept in custody. Even under a strict regime of detention, detainees could participate in some communal activities and had a permanent right of access to their legal representatives. However, special arrangements were made in penal establishments to house prisoners who were regarded as dangerous. Complaints regarding conditions of detention could be referred to the Director of Public Prosecutions.

13. He had noted the questions raised in regard to article 7, where the problem - territoriality - was the same as for article 5. With regard to article 8, no further comment seemed necessary since the provisions of the relevant international instruments formed an integral part of domestic legislation. A question had been raised, in regard to article 9, as to whether Luxembourg was able to make appropriate arrangements with other States concerning the supply of evidence and other assistance; the reply was in the affirmative, provided that the political, legal and penitentiary regimes in the country concerned were acceptable and that it had no known record of systematic violations of human rights.

14. On the subject of article 10, he was unable to provide details of the education and information given in the training of relevant personnel, but he took it that the training would conform to the Convention's provisions. He thought it likely that medical students in Luxembourg were given such information during their first year of study. In any case, the Luxembourg authorities could take up points made by the Committee in that connection.

15. Since, in the Committee's view, the information provided about articles 11, 12 and 13 was not specific enough, he suggested that the requisite information should be included in the supplementary report. In that connection, there would doubtless be some cases, for example, of officers having appeared in court on charges not of torture but of common misdemeanours. With regard to article 14, he had nothing to add. With reference to article 15, the relevant legislation was rather complex, but he felt that a suitable reply could be included in the supplementary report.

16. A written reply would also be given to the various questions of a general nature about the judicial system in Luxembourg. The Constitution guaranteed the separation of powers and the impartiality of judges.

17. He would briefly touch on certain other questions raised. With regard to meetings with relevant non-governmental organizations and other bodies, there was nothing of that nature, as far as he was aware, specifically on the subject of torture; he would raise the matter, however, with a view to the possible holding of such meetings.

18. The principle of habeas corpus was enshrined in the provisions which safeguarded personal freedoms - for example, those to the effect that persons could be prosecuted only according to the law and could be arrested only pursuant to a warrant issued by a judge. In Luxembourg there was no type of special jurisdiction, and no high-security prisons. Nor was there any form of State security police; the entire police force was administered by the Ministry of Justice. Legislative reforms would eventually make the system even more transparent.

19. His replies were, of course, of a preliminary nature. He assured the Committee that his earlier request - that replies to certain questions should be deferred and included in a later report - implied no desire by his delegation to shirk any of its responsibilities under the Convention. If the Committee had any further questions at the current meeting, he would do his best to answer them.

20. The CHAIRMAN thanked the representatives of Luxembourg for their replies to the questions raised. He invited the members of the Committee to voice any further comments or questions they might have.

21. Mr. EL-IBRASHI asked whether Luxembourg recognized the competence of the European Court of Human Rights. Did the police have the right to conduct an inquiry into any allegation of ill-treatment and, if so, in what way might the circumstances be distinct from those of an inquiry ordered by an examining magistrate?

22. Mr. SCHOCKWEILER (Luxembourg) said that, as far as he was aware, the European Court was competent to authorize individual recourse to the courts in a State party to the European Convention. In certain cases, police officers could be authorized to carry out an inquiry, subject, of course, to the laws which governed the gathering and presentation of evidence. A full reply to those questions would appear in the supplementary report.

23. The CHAIRMAN, referring to article 6 of the Convention, asked what provision was made for any person in custody pursuant to paragraph 1 of that article to be assisted in communicating immediately with the nearest appropriate representative of the State of which he was a national or where he usually resided. The point was a minor one and could be clarified in the next periodic report.

24. Mr. LORENZO suggested that the Country Rapporteur's final report should say that the Committee welcomed the statement that torture did not exist in Luxembourg. It could also reflect the Committee's hope that future legislation in Luxembourg would nevertheless provide for stricter penalties for torture, making a distinction between the latter and other forms of ill-treatment. The Convention was meant to provide a means to deal with acts committed by State officials or with their connivance, and to make it clear that the measures covered mental and psychological ill-treatment too. The Committee should likewise express the hope that Luxembourg would take further steps to ensure that adequate education and information regarding the prohibition of torture were fully included in the training of all relevant personnel. Referring to article 1 of the Convention, he said he was surprised that the term "torture" was not expressly defined either in the Luxembourg Constitution or in the legislative texts. He was also surprised that, in Luxembourg law, the concept of bodily harm seemingly covered mental and psychological ill-treatment as well. Perhaps the Committee could suggest that future legislation should make clear distinctions.

25. Mr. SCHOCKWEILER (Luxembourg) said that, with regard to article 1, he could only repeat that the definition of torture, as contained in the Convention, was ipso facto applied in domestic law. He nevertheless agreed to bring the matter to the authorities' attention. With regard to the nature of torture or ill-treatment, physical or mental, the Convention likewise took precedence over domestic law. Until a more detailed legislative text was in place, any interpretation would, of course, be a matter for jurisprudence.

26. Mr. MIKHAILOV (Country Rapporteur) thanked the representatives of Luxembourg for the report and their replies to the questions raised. He wished to make some comments of a general nature. Luxembourg was a small democratic country, with no serious problem of torture or any other form of ill-treatment. The report before the Committee, although broad in scope, was not fully comprehensive, although the answers given to the Committee's questions had dealt with some of its shortcomings. He noted that Luxembourg's domestic legislation did not conform to all the Convention's provisions - for example, in regard to the death penalty and punishment by hard labour; amendments to the country's Penal Code should accordingly be envisaged. Nor had the report and the replies to questions provided any figures relating to relevant judicial practice. He therefore suggested that the Committee should request additional information in writing, although a supplementary report

seemed unnecessary. On the question of reporting, he did not think that the Committee had the power to extend deadlines; matters should be left to the Luxembourg authorities.

27. He congratulated the Luxembourg delegation on its report and replies, and hoped that the Committee's report would reflect its satisfaction accordingly.

28. Mr. SORENSEN (Alternate Country Rapporteur) said he endorsed the congratulations and thanks expressed to the delegation of Luxembourg. He welcomed the replies given to the questions raised, but stressed that written information was preferable.

29. While welcoming the statement that torture did not exist in Luxembourg, he suggested that the attention of the Luxembourg authorities should nevertheless be drawn to the Committee's views on the need to align domestic legislation more closely with the relevant international instruments. In that connection, he would like to see a legislative definition of torture, including a definition of psychological torture.

30. With regard to article 3 of the Convention, he felt that further clarification was needed about its applicability under domestic legislation. Likewise, with regard to what had been said about the universal applicability of articles 4 to 8, the Committee looked forward to receiving information on requisite legislative measures to close any possible loopholes. And while welcoming the information provided in regard to article 10, he felt that the training of relevant personnel should include education and information not only on human rights in general but specifically on torture. In particular, the attention of national medical associations should be drawn to that matter; to give information to first-year students was not enough.

31. With regard to article 11, the Committee had requested elaboration of certain points, including a description of the legal system, with particular reference to the position of judges and prosecutors and to measures to safeguard the independence of the judiciary. The Committee would also like to know whether police activities were investigated by the police themselves or by an outside body. It hoped, too, that the promised information on the prison system and guidance given to police and prison personnel would cover regulations as well as statistics relating to solitary confinement and the separation of females and minors.

32. With regard to article 14, a description of the machinery in place to ensure redress for victims of torture, and relevant statistics, would be welcome.

33. Perhaps the points raised could be covered in a written reply, including any further information the Luxembourg authorities might wish to provide. Such a text, which could comprise an outline of new legislation, could be sent with the periodic report, on the understanding that the Committee would deal with both documents at the same time, namely, early in 1993.

34. Mr. KHITRIN agreed with Mr. Mikhailov and Mr. Sorensen, but thought it unwise for the Committee to state categorically in its conclusions that there was no torture in Luxembourg, since a report might be received later alleging

mistreatment of prisoners. It would therefore be better to say that Luxembourg had submitted a good report and was endeavouring to eliminate inhuman and degrading treatment.

35. Mr. MIKHAILOV (Country Rapporteur) said he did not believe that there was any torture in Luxembourg or that there was a need for a supplementary report on the matter. He was sure that the necessary provisions could be introduced into the domestic legislation of Luxembourg which was an advanced and democratic country.

36. Mr. DIPANDA MOUELLE, responding to Mr. Khitrin's suggestion, proposed that the wording of the Committee's report should be: "According to the delegation of Luxembourg and the information in the report, there is no torture in Luxembourg".

37. Mr. GIL LAVEDRA supported Mr. Mikhailov's proposal, as amended by Mr. Dipanda Mouelle.

38. Mr. DUHR (Luxembourg) said that the supplementary information requested by the members of the Committee could be provided very quickly, but that it would take at least a year to introduce the legislative changes requested.

39. The CHAIRMAN said that the deadline of 28 October for the first report must stand, but in practice if the report was sent by the end of February it could be considered by the Committee at its spring session. The members of the Committee realized that Luxembourg would be unable to change its legislation so quickly, but any preparatory work done by the committee of experts would be of interest to them.

40. After an exchange of courtesies, Mr. Duhr, Miss Konsbruck and Mr. Schockweiler (Luxembourg) withdrew.

The meeting was suspended at 4.45 p.m. and resumed at 4.55 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5) (continued)

Report on the Committee on the Rights of the Child

41. At the invitation of the CHAIRMAN, Mr. SORENSON informed the Committee that the Convention on the Rights of the Child had been adopted by the General Assembly on 20 November 1988 and had come into force on 2 September 1990. The first meeting of the Committee on the Rights of the Child had been held on 18 October 1991, at which time 98 countries had acceded to the Convention. Between 110 and 120 countries had now ratified the Convention, and because of its consequent heavy workload, the Committee on the Rights of the Child had already indicated that it would need to hold two two-week sessions a year. A preliminary working group would meet two months before each session.

42. The 10 members of the Committee on the Rights of the Child, whose Chairman was Mrs. Hoda-Badran (Egypt), had decided that they did not need translation of all the Committee's documents. A suggestion made by the Committee that the secretariat should open country files, possibly computerized, might be taken up by the Committee against Torture.

43. Although the Committee on the Rights of the Child had not indicated a desire to meet the Committee against Torture, he believed that such a meeting was desirable because the former's holistic view of children was in line with the latter's own holistic view of the survivors of torture. Like the Committee against Torture, the Committee on the Rights of the Child considered it important to create a general awareness of the problems with which it dealt. Its suggested guidelines for the World Conference on Human Rights were similar to those of the Committee against Torture. The Committee on the Rights of the Child had stressed the importance of the regional meetings for the World Conference, the first of which was to be held in Costa Rica in July. He suggested that the Committee against Torture might consider whether it too should be represented at such meetings.

44. The CHAIRMAN said that the idea of country files had already been welcomed by the secretariat. He raised the question whether the Committee's rules and finances would permit it to be represented at regional meetings for the World Conference.

45. Mr. BRUNI (Secretary of the Committee) said that the opening of computerized files on each State party was a large-scale undertaking, but the secretariat already kept country files which could be consulted by members of the Committee. They contained all the material received from and about each country, including information from non-governmental organizations and material not specifically submitted to the Committee.

46. Mr. EL-IBRASHI considered that the Committee had the right to send observers to meetings of the Committee on the Rights of the Child. It would also be desirable for the Committee to be represented at the World Conference, and he asked how such participation might be financed.

47. Mr. BRUNI (Secretary of the Committee) explained that the participation of observers from the treaty-monitoring bodies at the World Conference would have to be financed by those bodies themselves, since there was no provision for it in the budget of the Conference. The participation of observers from the Committee against Torture had not been discussed at the meeting of the States parties, but the necessary provision could probably be made.

48. After a short discussion in which Mr. BURNS and the CHAIRMAN took part, Mr. SORENSEN suggested that further discussion on the question of the representation of the Committee against Torture at regional meetings should be deferred to a forthcoming meeting, pending clarification of the decisions of the Preparatory Committee for the World Conference on Human Rights.

49. It was so decided.

Principles of Medical Ethics

50. The CHAIRMAN invited Mr. Sorensen to introduce some proposals initiated by physicians from the Danish Rehabilitation Centre for Torture Victims and from the Danish section of Amnesty International for the revision of the Principles of Medical Ethics contained in General Assembly resolution 37/194.

51. Mr. SORENSEN said that General Assembly resolution 37/194 on Principles of Medical Ethics, adopted by consensus on 18 December 1982, was already almost 10 years old, and that the Principles annexed thereto were thus arguably in need of updating to take account of the Convention against Torture, and also of evidence that had recently come to light of doctors' participation in torture. A group of physicians brought together under the auspices of Denmark's Minister for Foreign Affairs, assisted by its Ministers of Health and Justice, and with the participation of the the Danish Medical Association, the Danish Centre for Human Rights and the Danish Rehabilitation Centre for Torture Victims, had been working to strengthen the Principles so as to affirm the right and duty of the individual physician to refuse to assist in any form of torture or other cruel, inhuman or degrading treatment of persons deprived of their personal liberty, a right and duty which were not sufficiently stressed in the Principles as adopted in 1982. To that end, the working group had prepared a proposal for a revision of the United Nations Principles of Medical Ethics, which he wished to present to members of the Committee for possible discussion, in view of their expertise in that field.

52. The group's first proposal was to amend the heading to the Principles so as to provide a more precise definition of "detainees", encompassing administratively detained persons. The words "prisoners and detainees" would thus be amended to read "all persons under any form of arrest, detention or imprisonment" in the heading and throughout the ensuing Principles - a wording borrowed from the Convention against Torture.

53. Regarding Principle 1, the Group suggested the inclusion of the principle of "free informed consent", which had come to be recognized in many countries over the past 10 years. That addition was especially desirable where persons on hunger strike were concerned. The following sentence should accordingly be added: "Such medical care or treatment is to be carried out on the basis of the principle of free informed consent and without interference from the authority administering the detention or imprisonment."

54. Principle 2 would remain unchanged. With regard to Principle 3, developments in medical technology since 1982 had increased the possibilities for using organs and tissue material for the purpose of transplantation. Moreover, live subjects were increasingly used in biomedical research. There were reports of prisoners having been offered reductions in sentences in exchange for a promise to donate organs for transplantation or to participate in experiments. The validity of applying the concept of "informed consent" to persons in prison was in any case questionable. A new paragraph should thus be added to Principle 3, to read:

> "No person under any form of arrest, detention or imprisonment shall thus, even with his consent, be subjected to any medical or scientific experimentation which may be detrimental to his health. Organ removal and participation in biomedical experiments under duress or promise of reduction of sentence or other advantages shall not be permitted."

55. Furthermore, medical examinations were sometimes necessary in order to ascertain a person's fitness for normal imprisonment, or his mental state. Forensic investigations were also occasionally necessary. Such practices were not permitted by the Principle as currently worded. A second additional

paragraph might thus be added to Principle 3, so as to legalize what had become a universally accepted practice. That paragraph would read:

> "Physical examination of persons under any form of arrest, detention or imprisonment in connection with investigation of crimes by the competent authorities may, however, be performed by physicians on condition of said person's free informed consent or a judicial decision in each particular case. They shall be informed by the physicians that they are not in a real physician-patient relationship, and that the results of the examinations will be passed on to others."

56. One amendment - concerning capital punishment - was proposed to Principle 4. A new subparagraph (c) should be added:

> "(c) In recognition of human integrity it is indefensible for any physician to participate in any act connected to and necessary for the execution of capital punishment."

57. Regarding that potentially controversial amendment, he explained that Principle 4 (c) reflected the Group's view that, to put it bluntly, a doctor's job was to treat people, not to kill them. When a person was executed, it was of course appropriate for a doctor to ascertain whether death had occurred. However, administration of a lethal injection, for example, was certainly no part of a medical doctor's job.

58. With a view to strengthening protection of health personnel, the group also proposed adding three subparagraphs to the existing Principle 5. The new subparagraphs would read:

Principle 5 (a)

> "Health personnel, particularly physicians, have the right not to obey orders contradictory to these principles. Persons issuing orders amounting to acts of torture and other cruel, inhuman or degrading treatment or punishment are committing a crime under international law and are liable to punishment; the same applies to those complying with such orders if, under the prevailing circumstances, it was in fact possible for the person in question not to abide by the order."

Principle 5 (b)

> "Expression of international support and assistance to health personnel who are resisting being involved in acts of torture and other cruel, inhuman or degrading treatment or punishment, including public protest against all efforts to hinder the upholding of the principles of medical ethics, shall not be regarded as interference in the internal affairs of any State."

Principle 5 (c)

> "Public information about the existence of torture and other cruel, inhuman or degrading treatment or punishment and promotion of educational measures for all medical and law enforcement personnel and public officials to counteract this phenomenon is an obligation of all States."

59. The wording of the proposed Principle 5 (c) basically reflected the content of article 10 of the Convention against Torture. He concluded by inviting members of the Committee to express informal opinions on the proposals, opinions which would be of great relevance and value to the Danish authorities in further refining the proposals.

60. After a procedural discussion, the CHAIRMAN proposed that consideration of the draft amendments presented by Mr. Sorenson should be deferred until members of the Committee had had time to study them in detail. Discussions on the substance of the proposals could take place on a purely informal basis, perhaps the following week, at which time members would have the opportunity to express their opinions on the proposals in a purely personal capacity, without need for any formal decision by the Committee.

61. It was so decided.

The meeting rose at 5.55 p.m.

UNITED
NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/SR.109
13 May 1992

ENGLISH
Original: FRENCH

COMMITTEE AGAINST TORTURE

Eighth session

SUMMARY RECORD OF THE 109th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 April 1992, at 10 a.m.

Chairman: Mr. VOYAME

CONTENTS

Consideration of reports submitted by States parties under article 19 of the Convention (continued)

Initial report of Italy

Action by the General Assembly at its forty-sixth session:

(a) Annual report submitted by the Committee against Torture under article 24 of the Convention

(b) Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.92-12293/4483B

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 7) (continued)

Initial report of Italy (CAT/C/9/Add.9)

1. At the invitation of the Chairman, Mr. Mezzalama, Mr. Verga, Mr. Citarella, Mr. Pecenko, Mr. Buccalo, Mr. Daga, Mrs. Palumbo and Mrs. Passannanti (Italy) took places at the Committee table.

2. Mr. MEZZALAMA (Italy) welcomed the invaluable contribution the Committee was making to action to combat the odious practice of torture and paid a tribute to the Chairman of the Committee for the distinguished role he had played as Special Rapporteur of the Commission on Human Rights on a country where fundamental rights had been flouted for such a long time.

3. Like other Western European countries, Italy did not make torture a crime specifically governed by the Penal Code or other laws. Even after the ratification of the Convention, it had not been considered advisable to introduce that concept. It should first be noted that the practice of torture and other cruel, inhuman or degrading treatment had always been considered contrary to the political orientation of democratic Italy. The reasons why the Italian lawmakers had not recognized torture as a separate crime were summarized below.

4. Italy had accepted without reservation the principle that the use of torture was contrary not only to the principles on which the Italian legal system had long been based, but also to the principles inherent in the international community, as proved by the fact that Ialy had ratified not only the United Nations Convention against Torture, but also the European Convention against Torture and the International Covenant on Civil and Political Rights, article 7 of which prohibited subjecting anyone to torture.

5. The principle that every individual deprived of freedom must be treated with humanity was enshinred in article 27 of the Italian Constitution. Any conduct which objectively constituted an act prohibited by the Convention was covered by the provisions referred to in paragraph 31 of the report and any abuse committed by the authorities was subject to harsh penalties.

6. As indicated in the report, a number of bills had sought to introduce the concept of the crime of torture into the penal system. Those initiatives had failed because of the desire to prevent treatment prohibited by the Convention from being regarded as punishable only on the grounds of malicious intent on the part of the person responsible. Generally speaking, Italian legislation was already adequate to cover cases that could be assimilated to torture in the broadest sense of the term.

7. In reality, the fact that torture had not been characterized as a crime in the Italian legal system should in no way be regarded as a lacuna, but, rather, as a situation designed to make the punishment of anyone guilty of treatment not in conformity with the Convention more effective and immediate.

8. Sporadic and isolated cases of the use of violence by the law enforcement authorities had been reported in recent years. Those allegations had been investigated by the courts and public opinion had always been duly and promptly informed. In some cases, sentences had been very harsh and administrative measures had been taken against persons who were guilty or suspects.

9. It should also be pointed out that, according to the principles of the rule of law on which the Italian system was based, a person was presumed innocent until the conclusion of the judicial proceedings. Consequently, apart from administrative measures which might be taken against persons suspected of having resorted to ill-treatment, the judgement against them was final only after the court of last instance had handed down its ruling. It was therefore clear from the report (CAT/C/9/Add.9) that torture was not practised in Italy and that mechanisms for the protection of the dignity and physical integrity of the individual came into play immediately upon the commission of illegal acts, which must therefore be condemned as such.

10. Italy had also fulfilled its obligations in the European context and had recently been visited by investigators from the European Committee for the Prevention of Torture, whose report could serve as additional material for the assessments of the Committee against Torture. He recalled that, since 1990, Italy had been making quite a large annual contribution to the United Nations Voluntary Fund for Victims of Torture and had confirmed its contribution for the current year as well as for 1993.

11. Mr. GIL LAVEDRA (Country Rapporteur) welcomed the opportunity for the Committee to establish a constructive dialogue with Italy. The fact that a high-level delegation had come to introduce the initial report of Italy was proof of the importance the Italian Government attached to action to combat torture in all its forms. Italy had also acceded to all the international and regional instruments in that field and had recognized without reservation the competence of the Committee under articles 21 and 22 of the Convention.

12. The procedures for the incorporation of international provisions into Italian law were clearly explained in document CAT/C/9/Add.9, but it would be interesting to know how those provisions ranked in relation to other laws and what happened when they were in conflict with an earlier law. Were there many cases in which individuals invoked the provisions of the Convention in court and did courts refer to those provisions in their judgements?

13. In its revised general guidelines (CAT/C/4/Rev.2), the Committee had requested States parties to describe the general legal background in respect of the prohibition of torture, the judicial authorities, the legislative, judicial and administrative measures which gave effect to the provisions of the Convention and the main legislative instruments referred to in the reports. Those were the essential elements on which the Committee could judge the extent to which the provisions of the Convention were incorporated in internal law, with particular reference to sensitive issues that were of special interest. The risk of torture was especially great at two points: before detention and during the stay in prison. The Committee therefore had to be able to take account of instruments governing the treatment of detainees at those two stages. However, the report of Italy provided little information

on the judicial system, since it did not say whether it was adversarial or inquisitorial, and on the rules relating to interrogation and solitary confinement. It would be particularly interesting to know who was entitled to carry out an arrest: was it the judge, the prosecutor or the police? What was the maximum length of time a person could be held before being brought before a judge? Could the police carry out valid interrogations and according to what standards? Was solitary confinement practised, especially at the beginning of the investigation? To what extent could the accused communicate with a lawyer and with his family?

14. A compulsory medical examination at the time of arrest and at the time when the detainee was brought before the judge was a basic guarantee against any risk of torture. What were the Italian rules in that regard? Which authority was responsible for the investigation? Was it the judge, the prosecutor or the police? What was the maximum period of pre-trial detention? In fact, prolonged pre-trial detention undermined the principle of the presumption of innocence. In that connection, he recalled that articles 12 and 13 of the Convention required the State party to proceed to a prompt investigation when a complaint of torture had been made. He would like to know whether there could be secrecy at some stages in the proceedings, as seemed to be implied in the last sentence of paragraph 20 of the report.

15. It would also be very useful to know the provisions of the new 1989 Code of Penal Procedure, unless they were already contained in the Italian Constitution, but that was not explained in the report. What were the powers of the Interministerial Committee for Human Rights mentioned in paragraph 2 of the report and what activities had it carried out to date? "Ombudsmen" had apparently been appointed in Italy. What was their role?

16. Article 1 of the Convention provided a definition of torture and article 4 required all States parties to make torture an offence under their criminal law. The Committee had often noted that States parties argued that they did not have to include a definition of torture in their criminal law either because the Convention was directly applicable or because the offences which constituted torture were already covered by their national legislation. Those two arguments had been put forward in paragraphs 33 and 34 and in paragraph 36 of document CAT/C/9/Add.9 and they had been used by the representative of Italy in his excellent oral introduction to the report.

17. Those two arguments could not both be put forward at the same time. The fact that the Convention was directly applicable to internal law was not enough, for the Convention did not specifically refer to offences and thus did not entail any penalties, since there could be no penalty without a law ("nulla poena sine lege"). That was also true of other international instruments.

18. It was difficult for the Committee to determine the validity of the second argument, namely, that acts of torture were already covered in the Italian system of criminal law, without the texts of the articles of the Penal Code referred to in paragraph 36 of the report. In any event, the provisions in question did not seem to be fully in keeping with the aim of the Convention. According to the definition contained in article 1 of the

Convention, torture had three constituent elements: "Severe pain or suffering" which was "intentionally inflicted" "by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity". However, paragraph 38 of the report stated that the provisions of the Italian Penal Code afforded broader protection because they did not require specific wilful misconduct, which was the subjective element characteristic of intent to cause harm. The Convention would be more effectively applied if it included less general provisions in which the specific element of intent would be indicated. Two questions arose in that regard: whether all the offences listed were automatically prosecuted and what penalties they entailed. The bill referred to in paragraph 39 was not enough to be able to say that article 1 of the Convention had been incorporated in national legislation.

19. With regard to the implementation of article 3, article 698 of the new Code of Penal procedure was an excellent example of the incorporation of a provision of international law in national legislation. Nevertheless, since assessment by the political and judicial authorities was required in cases of extradition, he would like to know what happened in the event of a conflict between those authorities: would the person be extradited or not? As to the relationship between criminal action and disciplinary measures, he wished to have details on how the administrative authorities were informed of the criminal judgement and what would happen if there was no decision in the disciplinary proceedings.

20. Referring to article 5, he said that he could not understand why, according to paragraph 51 of the report, article 7 of the Penal Code relating to offences committed by public officials in State service was said to give effect to article 5, paragraph 1 (a), of the Convention, which dealt with territorial jurisdiction. The parallel that had been drawn between article 9 of the Penal Code and article 5, paragraph 1 (b), of the Convention and between article 10 of the Penal Code and article 5, paragraph 1 (c), of the Convention was also not entirely satisfactory. Whereas, according to the Convention, the State party was required to establish its jurisdiction when the alleged offender or the victim was a national of that State, articles 9 and 10 of the Italian Penal Code contained limitations as to the nature of the penalty, the territory in question and an application by the Minister of Justice. The danger was that the Convention might be applicable only in the case of certain types of offences. If the gaps were filled by Act No. 498, which ratified the Convention and was referred to in paragraph 55 of the report, that should be clearly stated.

21. The report also did not give enough information on the implementation of articles 8 and 9 of the Convention and the Committee would need more information on measures to give effect to article 10 relating to the training of law enforcement and medical personnel, which was essential for the prevention of torture. For example, were there training programmes for prison staff and medical staff? Had the United Nations Standard Minimum Rules for the Treatment of Prisoners and the Principles of Medical Ethics been made available? In connection with the implementation of article 11, it would also be useful to have further information on the prison system. For example, were accused and convicted persons held separately? Was there a body responsible for monitoring detention conditions? Were there any legal remedies which

could be exercised by detainees? Was a judicial service responsible for the enforcement of sentences? Were dangerous detainees subject to a special regime and could they, inter alia, be held in solitary confinement? What measures were taken to prevent violence in prisons? Was compulsory labour allowed?

22. With regard to articles 12 and 13 of the Convention relating to the right to lodge complaints and the obligation to conduct an impartial investigation, could the Italian delegation tell the Committee whether acts of torture had already been the subject of complaints and, if so, whether a prompt investigation had been carried out and what the results had been? Had allegations of acts of torture or cruel, inhuman or degrading treatment been heard by the European Court of Human Rights? Paragraph 78 of the report, which stipulated that, in the case of an offence not giving rise automatically to prosecution, the victim was entitled to lodge a complaint, was not very clear. Could the public prosecutor refuse to prosecute in such a case? Was article 14 relating to the right to compensation to be taken to mean, in the light of paragraph 83 of the report, that the obligation to provide compensation was applicable only to the person found guilty of the offence? Was that true even where the guilty person was an agent of the State? Was the State responsible for the actions of its agents? Article 14 established the obligation of States parties to guarantee the right to redress and to fair and adequate compensation, including the means necessary for as full a rehabilitation as possible of the victims. Had any rehabilitation programmes for victims been organized in Italy? Could the victim be compensated before the end of the criminal proceedings? Was the State responsible in any way? Information on legal decisions relating to compensation would be most interesting.

23. Insufficient information had been given on the implementation of article 15. Paragraph 84 said nothing about the principle that no statement made as a result of torture could be invoked as evidence. What was the practice of the courts in that regard?

24. He hoped that his questions and those to be put by the other members of the Committee would provide the basis for a fruitful dialogue with the Italian delegation and help make action to combat torture more effective.

25. The CHAIRMAN, speaking in his capacity as Alternate Country Rapporteur, said that Italian legislation did not fully cover the subject of mental torture. He would also like to have some clarifications on paragraph 39 of the report, which stated that a bill currently under consideration in Parliament provided that, in order for the act to be punishable, it must have been committed by a public official. What was the act in question? With regard to paragraph 43, he would like to know what happened if a fact identifiable as an offence automatically giving rise to prosecution came to light in the course of disciplinary proceedings. Referring to the implementation of article 5, he said he shared Mr. Gil Lavedra's view that the statement made at the beginning of paragraph 53 of the report, namely, that the provision of paragraph 1 (c) of article 5 of the Convention had its exact counterpart in the principle to be found in article 10 of the Penal Code, was only partially true. On the other hand, the implementation of article 7 of the Convention was being guaranteed by the Act of Ratification of the Convention, which included supplementary provisions relating to jurisdiction.

26. Were articles 8 and 9 of the Convention directly applicable? If so, that should be clearly stated. It would also be interesting to know specifically how article 9 was being implemented. He had read with interest the handbook on the professional ethics of the police, but he would still like to have further information on the implementation of article 10. In connection with article 11, he wished to have specific information on the way in which the prison system was monitored. For example, did judges make unannounced prison visits? What action was taken on their findings? Were detailed instructions issued on police interrogations and were such interrogations supervised? Was there any supervision of persons under military or administrative detention?

27. He had been very surprised to find that Italian legislation did not provide for a general system of compensation for the victims of wrongful acts by the State, as was the case in the majority of modern countries. That made matters very difficult for the victims of torture, who usually could not identify their torturers. Furthermore, even if the torturers were known, they were often not in a position to make redress. To satisfy the requirements of article 14, Italy would therefore have to establish a system of State compensation for victims of torture. The implementation of article 15 did not appear to be fully guaranteed by Italian law. Article 188 of the new Code of Penal Procedure seemed to refer only to the use of "truth serum"; it said nothing about the value of statements made as a result of torture.

28. Having asked questions about the report, he wished to refer to specific cases which had been reported by Amnesty International or by the press and in which the Convention had been violated. He would deal only with acts which had taken place after 11 February 1989, the date on which the Convention against Torture had entered into force for Italy. A letter published in the newspaper La Repubblica on 21 December 1991 reported acts which had allegedly taken place in Sollicciano prison in Florence. An investigation was alleged to have been initiated by the judge responsible for monitoring the prison. It would be of interest to know whether the investigation was still under way, what the outcome had been and whether a judgement had been handed down, if only by a decision in first instance. In February 1992 in Regina Coeli prison in Rome, a prison guard was alleged to have ill-treated Alessandro Ruver, who had subsequently died. Had the circumstances of the case been clearly established? On 3 March 1992, David Addawe was alleged to have been seriously injured while in police custody in Rome; a medical report issued after Addawe's release could be made available to the Italian delegation. On 15 December 1992 at Fuorni prison in Salerno, between 100 and 150 masked prison guards had allegedly ill-treated detainees during a search. The Attorney-General was said to have requested the reopening of the file for an additional investigation; what was the present position? In January 1991, law enforcement officials were also alleged to have ill-treated some 30 immigrants in a building they were squatting. Was that information correct?

29. He noted that all the cases to which he had referred appeared to relate less to acts of torture than to cruel, inhuman or degrading treatment, which was also covered by the Convention.

30. Mr. SORENSEN said that he endorsed all the questions that had already been asked, but wished to make a few comments. He considered that the report did not deal with the problems arising under article 2, paragraph 3, of the

Convention. He asked whether there was any text in Italian legislation relating to the question of a subordinate official invoking an order from a superior officer as a justification of torture. With regard to article 10, he said that it would not be sufficient to invoke the principle of human rights: it was important to refer specifically to torture and the Convention when training certain categories of personnel.

31. With regard to article 11, which was dealt with in paragraphs 58 to 71 of the report, he asked whether any code of conduct existed in Italy governing interrogations by the police. If so, he would welcome the opportunity of consulting it. On the same question, he asked whether provision was made for recording interrogations. He would welcome more detailed information on solitary confinement and the rules governing it. He also asked whether there was an ombudsman in Italy.

32. On article 14, he pointed out that survivors of acts of torture were usually in no fit state to lodge a complaint with a court. It was thus up to the State to assume responsibility for rehabilitation and compensation, thereby relieving the victim of the need to bring an action in a personal capacity. He also asked for more detailed information on programmes for moral, medical or financial rehabilitation.

33. He was pleased that Italy had received the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and welcomed its intention to publish that Committee's report, since publication was not mandatory.

34. Mr. BURNS said that he fully endorsed Mr. Gil Lavedra's analysis of Italy's failure to comply with the provisions of the Convention regarding the definition of torture. He stressed the importance of psychological torture in any definition of torture, emphasizing that, in the absence of a precise definition of torture set forth in a legislative text, it was difficult to provide for a penalty corresponding exactly to the offence.

35. He asked whether any mechanism existed in Italy for declaring a state of emergency. In what circumstances could it be declared and what were the implications for the rights set forth in the Convention in such cases? He asked for fuller details on pre-trial detention and wished to know whether the institution of habeas corpus existed in Italy.

36. A report by Amnesty International referred to defamation of a State official. According to that organization, that principle was often applied to persons challenging the behaviour of a State official. Did that not amount to a veiled threat designed to discourage complaints?

37. He asked for fuller information on the structure of the judiciary and, in particular, on how judges were appointed and dismissed. Like Mr. Gil Lavedra, he had reservations about the way in which the report dealt with Italy's obligations under article 14 of the Convention and found it extremely strange that Italian legislation did not provide any general system for compensating the victims of offences attributable to an agent of the State. Lastly, he said that he would welcome a detailed description of the structure of the

police force. Did it enjoy any special powers? Were there military courts in addition to the civil courts and, more specifically, was there a court with jurisdiction in matters of State security?

38. Mr. KHITRIN referred to a document annexed to the Italian report and asked for fuller details of the composition and functions of the Department of Public Security. He would also like to see the handbook referred to in the annex.

39. He asked what was the precise criminal liability of the agent in the event of psychological torture being inflicted during interrogation. Paragraph 9 referred to an "implementation order" concerning adaptation of internal law to obligations arising under international conventions. He wished to know the terms of that order and whether it had the force of law. With regard to paragraphs 16 and 17 of the report, which concerned the competence of the European Commission and Court of Human Rights, he asked to know the number of Italian cases submitted to those bodies in recent years. Like Mr. Gil Lavedra, he was surprised that the investigations ordered following the alleged acts of violence reported by Amnesty International should be so protracted, one of them having already lasted three years. He also asked for statistics on the number of foreigners expelled or extradited during the past five years.

40. Referring to article 7, he asked whether the police were entitled to detain a suspect in solitary confinement. In that connection, he referred to a situation that had arisen in Kazakhstan in the former Soviet Union, where fictional Italian films had been shown, depicting the struggle between the police and the Mafia. In those films, police kept suspects in solitary confinement in premises which had not been designed for that purpose and in which torture was practised. Police in the former Soviet Union might sometimes wonder, however, whether it would not be a good idea to adopt the techniques used by the Italian police in those films. He also asked what action was taken against members of the police force who abused their power.

41. Mr. EL IBRASHI said that he agreed with the questions already put and asked for some general clarifications. First, with regard to paragraphs 14 to 17 of the report, he asked about the mechanism of the European Commission and Court of Human Rights and said that he would like to have a few examples involving Italy.

42. Like his colleagues, he thought it important to include a definition of torture in national legislation and stressed that it should encompass the concept of mental torture. He asked for fuller details of the Italian judicial system and, in particular, of the role played by the courts of appeal. He also asked for fuller details concerning police custody, including the precise powers of the police in such cases, the time limit for police custody and the possibilities for prolonging it. Was the victim entitled to appeal to a judge? He also asked for fuller details of methods for inspecting prisons. Were inspections carried out by the police, by the administrative authorities or by judges?

43. Paragraph 20 of the report stated that the investigations into acts of violence allegedly inflicted upon detainees were protected by the law of secrecy. He found that statement surprising and asked for clarification of the precise nature of the secrecy referred to. Lastly, with regard to article 14, the report did not state whether the victims of acts of torture attributable to an agent of the State were able to bring civil proceedings directly in order to obtain compensation or whether they must first wait for the results of the criminal proceedings.

44. Mr. MIKHAILOV said that he would like to know exactly what was meant by "the generally recognized principles of international law" referred to in paragraph 8. He also wished to know who was empowered to issue the implementation order referred to in paragraph 9. With regard to paragraph 12, he noticed that the ordinary courts had jurisdiction over matters dealt with in the Convention. Did that mean that the military courts never intervened? Furthermore, in paragraph 13, in the case of an agent of the State committing an offence of a disciplinary and criminal nature, did that agent have the right to keep his post pending the conclusion of the inquiry? Should not provision be made for a suspension of duties in such cases?

45. With regard to paragraph 21 (c), he asked what penalty was provided for in article 608 of the Penal Code. In the case of political offences, what percentage came under that category? He asked for a more detailed definition of a political offence and whether espionage, for example, was regarded as a political offence.

46. In paragraph 30 of the report, it was stated that the Italian Government reserved the right not to issue an extradition order if it had good reason to believe that the person whose extradition was sought would be subjected to treatment which constituted a violation of the fundamental rights of the individual. It would be interesting to know what such "good reason" was in Italian international criminal law.

47. In connection with article 4 of the Convention, the report indicated that, following a debate on the subject in Italy, it had not been considered necessary to include rules relating to torture in the system of criminal law. He believed, however, that that would be desirable and he asked what Italy's reasons were for acting differently from other countries and whether the Government intended to remedy that omission by including specific provisions on torture in the legislation.

48. Paragraph 46 of the report referred to the disciplinary measures applicable to police personnel in the Statute of Civilian State Employees. In such cases, was the person concerned suspended from duty while the investigation into his offence was carried out? Moreover, in connection with article 14 of the Convention, paragraph 82 of the report stated that Italian law did not provide any general system of State compensation of victims. It would be interesting to know whether Italy planned or intended to adopt such legislation, as many countries had already done.

49. Mr. BEN AMMAR noted with satisfaction that Italy was never mentioned in reports by non-governmental organizations on the systematic practice of torture, although it had occasionally been referred to in connection with

ill-treatment. The press in Italy played a positive role in that regard because it never failed to report the cases brought to its attention, and that certainly had a deterrent effect. Other members of the Committee had already pointed out that inquiries into alleged violence might sometimes last as long as three years. The periods mentioned in paragraph 47 of the report for the initiation of disciplinary proceedings following the conclusion of criminal proceedings also seemed very long.

50. Amnesty International had reported that immigrants were frequently ill-treated by the police in Italy. Since such persons were reported to be unwilling to complain for fear of reprisals, it was hard to find out, according to Amnesty International, how many actual cases of ill-treatment there had been. Would it be possible for the Committee to be told how many complaints had actually been lodged and how many proceedings had been instituted as a result of such complaints?

51. It would be interesting to have information about the activities of the observation and treatment teams operating in prisons and mentioned in paragraph 64 of the report and to know whether they had been able to reach any conclusions about the general organization of the prison system. He had also understood that Italy had an advisory body for human rights which was composed of government representatives, members of Parliament and non-governmental organizations; it dealt with the right to physical integrity, but it apparently did not handle human rights problems in Italy, only abroad. What was the exact position?

52. Mr. DIPANDA MOUELLE, noting that most of his questions had already been put by other members of the Committee, said that he would simply ask for clarification on two points. First, in connection with article 7 of the Convention, he wished to know whether, in Italy, the system of universal jurisdiction was guaranteed in respect of cases of torture. Moreover, since the death penalty had been abolished in Italy, would a foreigner arrested in Italy and liable to face the death penalty in his own country be extraditable under Italian law?

53. Secondly, in connection with article 9 of the Convention, it would be useful to know how judicial assistance operated in practice; in particular, could there be such assistance with a State that had not signed an agreement with Italy?

54. The CHAIRMAN said that the Italian delegation would reply to the Committee's questions at the next meeting.

55. Mr. Mezzalama, Mr. Verga, Mr. Citarella, Mr. Pecenko, Mr. Buccalo, Mr. Daga, Mrs. Palumbo and Mrs. Passannanti (Italy) withdrew.

The meeting was suspended at 12.15 p.m. and resumed at 12.30 p.m.

ACTION BY THE GENERAL ASSEMBLY AT ITS FORTY-SIXTH SESSION:

(a) ANNUAL REPORT SUBMITTED BY THE COMMITTEE AGAINST TORTURE UNDER ARTICLE 24 OF THE CONVENTION

(b) EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS (agenda item 10) (CAT/C/VIII/Misc.3)

56. Mr. BRUNI (Secretary of the Committee) said that, under agenda item 10, the Committee had to take note of the comments of the General Assembly on the Committee's fourth annual report and of the measures adopted by the Assembly on the implementation of international human rights instruments. In that connection, the Committee had before it the informal paper contained in document CAT/C/VIII/Misc.3. Section (a) of that document reported briefly on the views expressed by various delegations in the Third Committee of the General Assembly on the annual report submitted by the Committee under article 24 of the Convention. Two matters in particular had engaged their attention, namely, the Committee's working methods and the question of its financial resources. Section (b) of the document gave a brief report on the comments made by delegations at the General Assembly on the effective implementation of human rights instruments. Section (c) listed the resolutions and decisions of the General Assembly of concern to the Committee, namely, decision 46/430, in which the Assembly took note of the report of the Committee against Torture, and resolution 46/111, which dealt with the question of funding for the human rights treaty monitoring bodies. It would be recalled that the chairpersons of those bodies had recommended that such funding should be made available from the regular budget of the United Nations. Australia had, moreover, submitted an amendment to the financial arrangements provided for by the Convention. If that amendment was approved by the States parties and the General Assembly, the Committee's funding would in future be included in the regular budget. In that context, he drew attention to Commission on Human Rights resolution 1992/15.

57. The CHAIRMAN noted that the member States of the European Community had expressed their satisfaction with the Committee's working methods and that China had indicated its intention of preparing the supplementary report requested by the Committee at its fourth session; that was welcome news. The Committee could only hope that the financial arrangements under consideration would come into effect.

58. Part (b) of the document under consideration reviewed a number of comments and recommendations, most of which had been formulated by the chairpersons of the human rights treaty monitoring bodies: the publication of the reporting manual, the adoption of consolidated guidelines, the establishment of a resource room in the Centre for Human Rights, offers of assistance by the Advisory Services Branch of the Centre for Human Rights and activities to increase public awareness. As far as changes in the submission of reports were concerned, he believed that those documents might be a bit more succinct.

59. Mr. EL IBRASHI, referring to the recommendations made on pages 2 and 3 of document CAT/C/VIII/Misc.3 concerning the working methods of the Committees and cooperation with non-governmental organizations, asked whether those recommendations had been followed up, for instance, with regard to relations with Amnesty International.

60. The CHAIRMAN said that the Committee had direct and active relations with non-governmental organizations consisting in particular of exchanges of documents and information. As far as the other recommended initiatives were concerned, the principle of establishing a general documentation room in the Centre for Human Rights had been endorsed, but there was now a problem of finding space for it. Computerization and the establishment of a database had also been considered desirable and it would be up to the secretariat to make the necessary arrangements.

61. Mr. EL IBRASHI asked who would be responsible for organizing the regional workshops referred to on page 3 of the document under consideration.

62. The CHAIRMAN said that those workshops would take place in the context of preparations for the World Conference on Human Rights. The Committee would come back to that matter when it considered the relevant agenda item.

The meeting rose at 12.50 p.m.